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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,254	09/24/2003	Yasuji Norito	K06-159164M/AT	3287
21254	7590	05/16/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/668,254

Applicant(s)

NORITO, YASUJI

Examiner

Tung S. Lau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date See office action.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4-12-2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Item **10-197572** (Japan) is missing from the application file. Applicant is required to submit a legible copy of 10-197572 (Japan).

The information disclosure statement filed 4-12-2005 fails to fully comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. See Application **FR 2817970**. It has been placed in the application file, but the information referred to therein has not been considered.

A copy of a signed PTO-1449 attached with this office action

Supplemental amendment

2. The Supplemental amendment dated 4-26-2005 is noted by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 11-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Schrock (U.S. Patent 5,752,100).

Regarding claim 11:

Schrock discloses a device for setting a hysteresis characteristic with respect to an input signal, said device comprising: a voltage divider receiving said input signal and outputting said input signal as a first voltage and outputting a second voltage that is less than said first voltage (Col. 4, Lines 4-40, fig. 2, vset, v'set); and a computer that: determines a high level exists when said first voltage and said second voltage are both equal to or higher than a predetermined threshold (fig. 3, section a), determines a low level exists when said first voltage and said second voltage are both lower than said predetermined threshold (fig. 3, section b), and determines a same level as a preceding determination exists when said first voltage is equal to or higher than said predetermined threshold and said second voltage is lower than said predetermined threshold (fig. 3, section c).

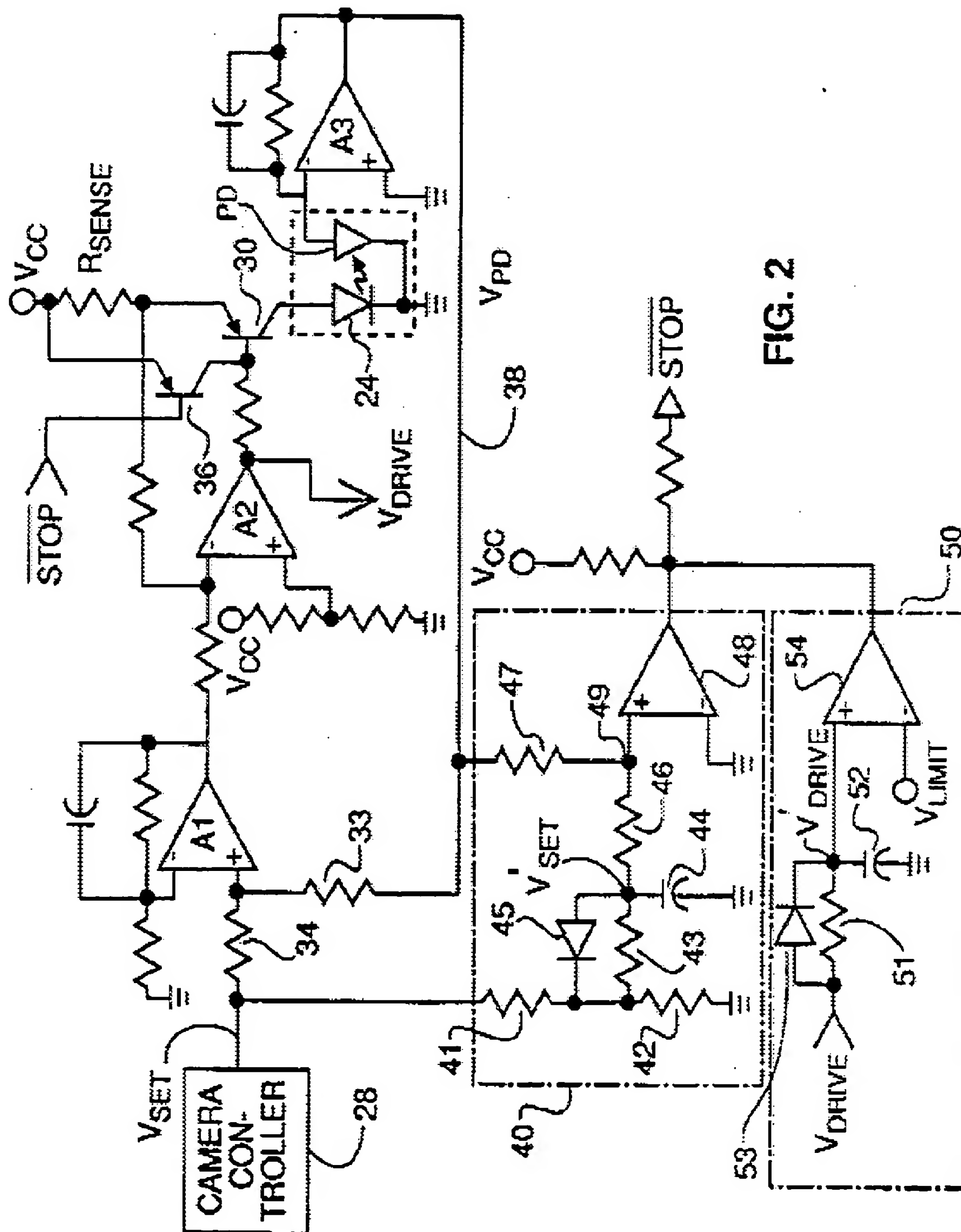
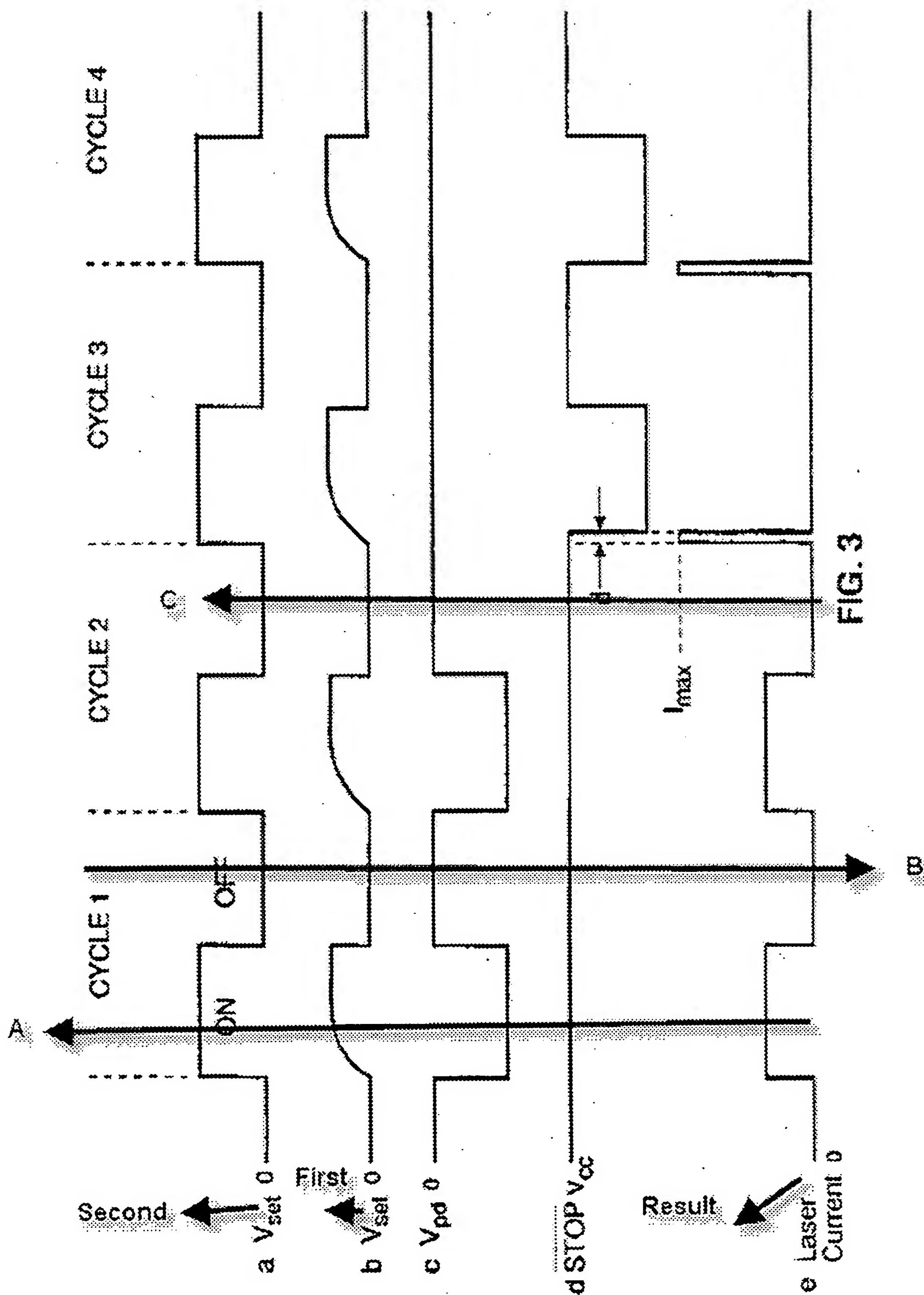


FIG. 2



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Regarding claim 17:

Schrock discloses a method for setting a hysteresis characteristic with respect to an input signal, the method comprising: dividing said input signal, using a voltage divider circuit (Col. 4, Lines 4-40, fig. 2, v_{set} , v'_{set}), into a first signal and a second signal, determining that a high level exists when said first signal and said second signal are equal to or higher than said predetermined threshold (fig. 3, section a); determining that a low level exists when said first signal and said second signal are less than said predetermined threshold (fig. 3, section b); and determining that a same level as a preceding determination exists when said first voltage is equal to or higher than said predetermined threshold and said second voltage is lower than said predetermined threshold (fig. 3, section c).

Regarding claim 12, Schrock further discloses input signal as said first signal on a first port and receives said second voltage on a second port (fig. 2, v_{set});

Regarding claim 13, Schrock further discloses a filter that provides a filtered input signal as said input signal to said voltage divider (fig. 2, section v_{set} , v'_{set});

Regarding claim 14, Schrock further discloses a filter is a low pass filter (fig. 2, v'_{set}); Regarding claim 15, Schrock further discloses voltage divider including a first resistor connected in series with a second resistor (fig. 2, R42, R41, R43);

Regarding claims 16, 21, Schrock further discloses records an output signal based upon at least one of said determinations (Col. 1-2, Lines 65-25);

Regarding claim 18, Schrock further discloses first signal with a predetermined

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threshold (fig. 3, section a); and comparing said second signal with said predetermined threshold (fig. 3, section b); Regarding claim 19, Schrock further discloses filtering input signal (fig. 2, section vset, v'set); Regarding claim 20, Schrock further discloses filtering of said input signal occurs before said dividing of said input signal (fig. 2, v'set); Regarding claim 22, Schrock further discloses wherein said first signal and said second signal are provided, respectively, as input signals to a first port and a second port of a computer and said determining is achieved by said computer (Col. 1-2, Lines 65-25).

Allowable Subject Matter

4. Claims 1-10 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 3, and 7 contain allowable subject matter. None of the prior art of record shows or fairly suggests the claimed invention.

Regarding claim 1:

The primary reason for the allowance of claim 1 is the inclusion of the device for setting a hysteresis including a second port that is separate from the first port. It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Claim 2 is allowed due to their dependency on claim 1.

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Regarding claims 3-10, please refer to the office action dated 1-12-2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 4/26/2002 have been fully considered but they are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

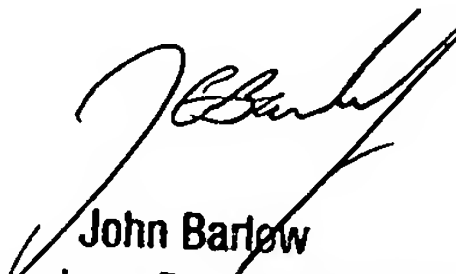
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL


John Barlow
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